

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

For use of this form, see AR 190-45; the proponent agency is the Office of the Provost Marshal General.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. CONTROL INFORMATION

| | | |
|---|---|--|
| Thru: | USACRC Number: 0059-2010-CID379-16024-5H1A | |
| To: Commander 2-1 IN, 2/2 ID (SBCT) Joint-Base Lewis McChord | MP Report Number: 02879-2011-MPC016 | |
| Referred By: SAC, CID Office: Washington CID Battalion (b)(6) (b)(7)(C) | Sub-Installation: AE09355DC | |
| | Referral Date (YYYYMMDD) : 20111117 | Suspense Date (YYYYMMDD) : 20120101 |

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. OFFENDER INFORMATION

| | | |
|-------------------------|-------------------------------|---|
| Last Name: GIBBS | Cadency: | |
| First Name: Calvin | Grade: E-6 U.S. Army (SSG) | |
| Middle Name: Richard | SSN (b)(6) (b)(7)(C) | Date of Birth: (YYYYMMDD) : (b)(6) (b)(7)(C) |

3. REFERRAL INFORMATION**Commander Decision Date:** 11/17/2011

| No. | Offense | Basis | Date | Sexual Harassment | Action Taken | Reason |
|-----|-------------------------------------|------------------|----------|---|---|----------|
| 1 | Murder [5H1A] | UCMJ Article 118 | 20100221 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 2 | Murder [5H1A] | UCMJ Article 118 | 20100502 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 3 | Assault With Intent to Murder [5H7] | UCMJ Article 14 | 20100331 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 4 | False Official Statement [5M3A] | UCMJ Article 107 | 20100116 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |

| 3. REFERRAL INFORMATION (Continued) | | | | | | |
|-------------------------------------|--------------------------------|-------|----------|---|---|----------|
| No. | Offense | Basis | Date | Sexual Harassment | Action Taken | Reason |
| 5 | Aggravated Assault [5C1L] | UCMJ | 20100505 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 6 | Communicating A Threat [5T1] | UCMJ | 20100505 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 7 | Conspiracy [5X1] | UCMJ | 20100221 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 8 | Conspiracy [5X1] | UCMJ | 20100502 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| 9 | Cruelty of Subordinates [5Y2E] | UCMJ | 20100505 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Accepted |
| | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "Yes" for any offense, continue to "Action Taken" (Block-4). If you selected "No" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

| 4. ACTION TAKEN | | |
|--|--|--|
| <input type="checkbox"/> Administrative Non-Adverse Referrals Adverse Personnel Actions | <input type="checkbox"/> Non-Judicial (Article 15) (see details below) | <input checked="" type="checkbox"/> Judicial Court Martial or Civilian Criminal |
| Non-Judicial Punishment Authority (select one) : <input type="checkbox"/> Summarized <input type="checkbox"/> GCMCA Imposed <input type="checkbox"/> Company Grade <input type="checkbox"/> General Officer Imposed <input type="checkbox"/> Field Grade <input type="checkbox"/> Principal Assistant | | Judicial Punishment Authority (select one) : <input type="checkbox"/> Summary Court Martial <input checked="" type="checkbox"/> General Court Martial <input type="checkbox"/> Special Court Martial <input type="checkbox"/> Civilian Criminal/Magistrate |

| 5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome | | | | |
|---|--|------|--|---------------|
| No. | Charged Offense | Plea | Finding Offense | Trial Finding |
| 1 | Murder [5H1A] [5H1A] | N | Murder [5H1A] [5H1A] | G |
| 2 | Murder [5H1A] [5H1A] | N | Murder [5H1A] [5H1A] | G |
| 3 | Assault With Intent to Murder [5H7] | N | Assault With Intent to Murder [5H7] | G |
| 4 | False Official Statement [5M3A] [5M3A] | N | False Official Statement [5M3A] [5M3A] | G |
| 5 | Aggravated Assault [5C1L] [5C1L] | N | Aggravated Assault [5C1L] [5C1L] | G |

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, **TRIAL FINDING:** DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

| 5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (Continued) | | | | |
|---|--------------------------------|------|--------------------------------|---------------|
| No. | Charged Offense | Plea | Finding Offense | Trial Finding |
| 6 | Communicating A Threat [5T1] | N | Communicating A Threat [5T1] | G |
| 7 | Conspiracy [5X1] [5X1] | N | Conspiracy [5X1] [5X1] | G |
| 8 | Conspiracy [5X1] [5X1] | N | Conspiracy [5X1] [5X1] | G |
| 9 | Cruelty of Subordinates [5Y2E] | N | Cruelty of Subordinates [5Y2E] | G |
| | | | | |

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, **TRIAL FINDING:** DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. ADMINISTRATIVE ACTIONS

Non-Adverse:

| Agency | Date Referred (YYYYMMDD) | Date Responded (YYYYMMDD) | Date Imposed (YYYYMMDD) | Type of Action | Oral | Written | |
|--------------------|-----------------------------|------------------------------|----------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|
| | | | | | | Local | OMPF |
| Family Advocacy | | | | Counseling/Concern | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Drug/Alcohol Abuse | | | 20111117 | Reprimand | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Special Referral | | | | Censure | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Equal Opportunity | | | | Admonition | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Legal Office | | | | | | | |
| Mental Health | | | | | | | |
| Relief Agency | | | | | | | |

Adverse:

| Date Imposed (YYYYMMDD) | Description | |
|----------------------------|---|--|
| | Withholding of Privileges | |
| | Adverse Performance Evaluation (OER/NCOER/Academic Report) | |
| | Relief for Cause (OER/NCOER) | |
| | Mandatory Reassignment | |
| | Transfer (such as rehabilitative) | |
| | Adverse Record Entry - Flag | |
| | Denial of Reenlistment or Continued Service | |
| | Withholding of Promotion | |
| | Delay of Promotion | |
| | Promotion Revocation | |
| | Clearance Revocation | |
| | Control Roster (downgrade of clearance, PRP reclassification) | |
| | Resignation | |
| | Retirement | |
| Retirement at Lower Grade | From: | |
| | To: | |
| | Transfer to Inactive Reserve | |
| | Military Occupational Specialty Reclassification | |
| Debarment | Duration: | <input type="text"/> Days <input type="text"/> Months <input type="text"/> Years |

Adverse: (Continued)

| | |
|---|-----------------------------|
| 7. DETAILS OF ADMINISTRATIVE SEPARATION | |
| Date Imposed (YYYYMMDD) : | Regulation: Chapter: |
| Characterization: | Effective Date (YYYYMMDD) : |
| NOTE: For more information, see the instructions for this form. | |

8. **NON-JUDICIAL/JUDICIAL SANCTIONS**

DA FORM 4833, FEB 2010

9.

SUSPENDED SANCTIONS

Were Any Sanctions Suspended? ☐ Yes ☒ No

NOTE: If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10).

| Suspended Sanction | Suspended Sanction Information | |
|----------------------|--------------------------------|-------------------------|
| Fine | Date Suspended: | Suspension Duration: |
| | Suspended Portion US\$: | |
| | Suspension Conditions: | |
| Forfeiture | Date Suspended: | Suspension Duration: |
| | Suspended Portion US\$: | Suspended Portion Time: |
| | Suspension Conditions: | |
| Extra Duty | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Restriction | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Correctional Custody | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Confinement | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Reduction in Grade | Date Suspended: | Suspension Duration: |
| | Suspension Conditions: | |
| Probation | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Special Assignment | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Total Forfeiture | Date Suspended: | Suspension Duration: |
| | Suspended Portion Time: | |
| | Suspension Conditions: | |
| Civil Recovery | Date Suspended: | Suspension Duration: |
| | Suspended Portion US\$: | |
| | Suspension Conditions: | |
| Civil Award | Date Suspended: | Suspension Duration: |
| | Suspended Portion US\$: | |
| | Suspension Conditions: | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

10.

Commander's Remarks

To be Reprimanded; to be Reduced to Private (E-1); to forfeit all pay and allowances; to be confined for life with the possibility of parole; and to be Dishonorably Discharged. (See DD Form 2707)

USASCRC Number: 0059-2010-CID379-16024-5H1A

Sanction: A1 2011/11/17

11.

COMMANDING OFFICER

Was a DNA sample collected from the offender? ☐ Yes ☒ No

Name:

Reported By CW3 (b)(6) (b)(7)(C)

Grade:

CW3, SAC

AKO e-Mail Address:

Signature:

Signature Date (YYYYMMDD) :

20111117